

## SECTION 3 SPECIAL DISTRICTS

### 2.01 SUP or “S” – SPECIFIC USE PERMITS

### 2.02 SPECIFIC USES:

The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the Planning and Zoning Commission that the uses are in general conformance with the Comprehensive Plan and general objectives of the City and containing such requirements and safe guards as are necessary to protect adjoining property, authorize application and shall be accompanied by a site plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and instruction of signs; means of ingress and egress to public streets; the type of visual screening such as wells, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200'). The Planning Commission or City Council may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed.

### 2.03 SPECIFIC USE PERMIT REGULATIONS:

- A. In recommending that a Specific Use Permit for the premises under consideration be granted, the Planning and Zoning shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, area or security lighting, heights of structures, and compatibility of buildings. The Planning and Zoning Commission and City Council shall consider the following criteria in determining the validity of the S.U.P. request:
  - 1. Is the use harmonious and compatible with its surrounding existing uses or proposed uses?
  - 2. Are the activities requested by the applicant normally associated with the requested use?
  - 3. Is the nature of the use reasonable?
  - 4. Has any impact on the surrounding area been mitigated?
- B. In granting a Specific Use Permit, the City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building official for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy.
- C. No Specific Use Permit shall be granted unless the applicant, owner and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Specific Use permit, as attached to the site plan drawing (or drawings) and approved by the Planning and Zoning Commission and City Council.
- D. If required, a building permit shall be applied for and secured within six (6) months from the time of granting the Specific Use Permit, provided however, that the City Council may authorize an extension of this time upon recommendation by the Planning and Zoning Commission and City Council may review the site plan for continued validity. If the site plan is determined invalid, the property owner(s) must submit a new or revised site plan for approval prior to any construction or application for building permit for the area designated for the Specific Use permit.

E. A building, premise, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise changed provided the changes to not:

- Increase the height of structures, including antenna support structures;
- Increase building square footage from its size at the time the original Specific Use Permit was granted by greater than ten (10) percent;
- Reduce the distance between a building or noise-generating activity on the property and an adjacent, off-site residential use. This provision shall not apply should be the property and the residential use be separated by a major thoroughfare depicted on the City's Thoroughfare Plan;  
or
- Reduce the amount of open space as indicated on the previously approved zoning exhibit.

All other enlargements, modifications, structural alterations, or changes shall require the approval of a new Specific Use Permit. Antennas may be placed on the tower with an existing Specific Use Permit without approval of a separate Specific Use Permit subject to approval of a final plat and site plan for the property (ZA2001-0009).

F. The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any Specific Use Permit.

G. When the City Council authorized granting of a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by an "S" designation. Specific Use Permits granted shall be indicated by numerical designation on the Zoning District Map. Article VI, Appendix 3 of this Ordinance shall list by the numerical designate each SUP and the conditions of approval. Specific Use Permits are issued to the property.

H. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind a specific use permit if:

1. There is a violation and conviction of any of the provisions of this ordinance or any ordinance of the City of Frisco that occurs on the property for which the Specific Use Permit is granted.
2. The building, premise, or land uses under a Specific Use Permit is enlarged, modified, structurally altered, or otherwise significantly changed without approval of a separate Specific Use Permit for such enlargement, modification, structural alteration, or change.
3. Violation of any provision of the terms or conditions of a Specific Use Permit.
4. Ad valorem taxes on the property are delinquent by more than six (6) months.
5. The Specific Use Permit was obtained by fraud or with deception.

2.04 **[Reserved] (ZA09-0004)**